

Md. TRANSPORTATION Code Ann. § 21-10A-01

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*** Current through all Chapters Effective October 1, 2012, of the 2012 General Assembly Regular Session, First Special Session, and Second Special Session. ***

TRANSPORTATION
TITLE 21. VEHICLE LAWS -- RULES OF THE ROAD
SUBTITLE 10A. TOWING OR REMOVAL OF VEHICLES FROM PARKING LOTS

Md. TRANSPORTATION Code Ann. § 21-10A-01 (2012)

§ 21-10A-01. Definitions; applicability

(a) "Parking lot" defined. -- In this subtitle, "parking lot" means a privately owned facility consisting of 3 or more spaces for motor vehicle parking that is:

- (1) Accessible to the general public; and
- (2) Intended by the owner of the facility to be used primarily by the owner's customers, clientele, residents, lessees, or guests.

(b) Applicability -- In general. --

- (1) This subtitle applies only to the towing or removal of vehicles from parking lots.
- (2) Nothing in this subtitle prevents a local authority from exercising any power to adopt local laws or regulations relating to the registration or licensing of persons engaged in, or otherwise regulating in a more stringent manner, the parking, towing or removal, or impounding of vehicles.

HISTORY: 1989, ch. 462; 2012, ch. 228.

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Md. TRANSPORTATION Code Ann. § 21-10A-02

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Md. TRANSPORTATION Code Ann. § 21-10A-02 (2012)

§ 21-10A-02. Signs

(a) In general. -- The owner or operator of a parking lot or the owner's or operator's agent may not have a vehicle towed or otherwise removed from the parking lot unless the owner, operator, or agent has placed in conspicuous locations, as described in subsection (b) of this section, signs that:

- (1) Are at least 24 inches high and 30 inches wide;
- (2) Are clearly visible to the driver of a motor vehicle entering or being parked in the parking lot;
- (3) State the location to which the vehicle will be towed or removed and the name of the towing company;
- (4) State that State law requires that the vehicle be available for reclamation 24 hours per day, 7 days per week;
- (5) State the maximum amount that the owner of the vehicle may be charged for the towing or removal of the vehicle; and
- (6) Provide the telephone number of a person who can be contacted to arrange for the reclaiming of the vehicle by its owner or the owner's agent.

(b) Location. -- The signs described in subsection (a) of this section shall be placed to provide at least 1 sign for every 7,500 square feet of parking space in the parking lot.

HISTORY: 1989, ch. 462; 2012, ch. 228.

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Md. TRANSPORTATION Code Ann. § 21-10A-03

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Md. TRANSPORTATION Code Ann. § 21-10A-03 (2012)

§ 21-10A-03. Location to which vehicles towed or removed

(a) In general. -- A vehicle may not be towed or otherwise removed from a parking lot to a location that is:

(1) Subject to subsection (b) of this section, more than 15 miles from the parking lot; or

(2) Outside the State.

(b) Establishment of distance limitations by local jurisdiction. -- A local jurisdiction may establish a maximum distance from a parking lot to a towed vehicle storage facility that is different than that established under subsection (a)(1) of this section.

HISTORY: 1989, ch. 462; 2012, ch. 228.

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Md. TRANSPORTATION Code Ann. § 21-10A-04

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Md. TRANSPORTATION Code Ann. § 21-10A-04 (2012)

§ 21-10A-04. Rights, duties and obligations of persons undertaking towing or removing vehicles; database.

(a) In general. -- Unless otherwise set by local law, a person who undertakes the towing or removal of a vehicle from a parking lot:

(1) May not charge the owner of the vehicle, the owner's agent, the insurer of record, or any secured party more than:

(i) Twice the amount of the total fees normally charged or authorized by the political subdivision for the public safety impound towing of vehicles;

(ii) Notwithstanding § 16-207(f)(1) of the Commercial Law Article, the fee normally charged or authorized by the political subdivision from which the vehicle was towed for the daily storage of impounded vehicles;

(iii) If a political subdivision does not establish a fee limit for the public safety towing, recovery, or storage of impounded vehicles, \$ 250 for towing and recovering a vehicle and \$ 30 per day for vehicle storage; and

(iv) The actual cost of providing notice under this section;

(2) Shall notify the police department in the jurisdiction where the parking lot is located within 1 hour after towing or removing the vehicle from the parking lot, and shall provide the following information:

(i) A description of the vehicle including the vehicle's registration plate number and vehicle identification number;

(ii) The date and time the vehicle was towed or removed;

(iii) The reason the vehicle was towed or removed; and

(iv) The locations from which and to which the vehicle was towed or removed;

(3) Shall notify the owner, any secured party, and the insurer of record by certified mail, return receipt requested, and first-class mail within 3 days, exclusive of days that the towing business is closed, after towing or removing the vehicle, and shall provide the same information required in a notice to a police department under item (2) of this subsection;

(4) Shall provide to the owner, any secured party, and the insurer of record the itemized actual costs of providing notice under this section;

(5) Before towing or removing the vehicle, shall have authorization of the parking lot owner which shall include:

(i) The name of the person authorizing the tow or removal;

(ii) A statement that the vehicle is being towed or removed at the request of the parking lot owner; and

(iii) Photographic evidence of the violation or event that precipitated the towing of the vehicle;

(6) Shall obtain commercial liability insurance in the amount required by federal law for transporting property in interstate or foreign commerce to cover the cost of any damage to the vehicle resulting from the person's negligence;

(7) May not employ or otherwise compensate individuals, commonly referred to as "spotters", whose primary task is to report the presence of unauthorized parked vehicles for the purposes of towing or removal, and impounding;

(8) May not pay any remuneration to the owner, agent, or employee of the parking lot; and

(9) May not tow a vehicle solely for a violation of failure to display a valid current registration under § 13-411 of this article until 72 hours after a notice of violation is placed on the vehicle.

(b) Administration to establish and maintain database. -- The Administration shall:

(1) Establish and maintain a database containing the proper address for providing notice to an insurer under subsection (a)(3) of this section for each insurer authorized to write a vehicle liability insurance policy in the State; and

(2) Make the database available to any tower free of charge.

HISTORY: 1989, ch. 462; 2012, ch. 228.

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Md. TRANSPORTATION Code Ann. § 21-10A-05

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Md. TRANSPORTATION Code Ann. § 21-10A-05 (2012)

§ 21-10A-05. Delivery to storage facility; repossession by owner before or after towing; payment.

(a) Delivery to storage facility; repossession by owner. -- Subject to subsection (b) of this section, if a vehicle is towed or otherwise removed from a parking lot, the person in possession of the vehicle:

(1) Shall immediately deliver the vehicle directly to the storage facility stated on the signs posted in accordance with § 21-10A-02 of this subtitle;

(2) May not move the towed vehicle from that storage facility to another storage facility for at least 72 hours; and

(3) Shall provide the owner of the vehicle or the owner's agent immediate and continuous opportunity, 24 hours per day, 7 days per week, from the time the vehicle was received at the storage facility, to retake possession of the vehicle.

(b) Repossession by owner prior to removal to storage facility. -- Before a vehicle is removed from a parking lot, a tower who possesses the vehicle shall release the vehicle to the owner or an agent of the owner:

(1) If the owner or agent requests that the tower release the vehicle;

(2) If the vehicle can be driven under its own power;

(3) Whether or not the vehicle has been lifted off the ground; and

(4) If the owner or agent pays a drop fee to the tower in an amount not exceeding 50% of the cost of a full tow.

(c) Payment options and duties; availability of vehicle. --

(1) Subject to paragraph (2) of this subsection, a storage facility that is in possession of a towed vehicle shall:

(i) Accept payment for outstanding towing, recovery, or storage charges by cash or at least two major, nationally recognized credit cards; and

(ii) If the storage facility accepts only cash, have an operable automatic teller machine available on the premises.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, if a storage facility is unable to process a credit card payment and does not have an operable automatic teller machine on the premises, the storage facility shall accept a personal check as payment for outstanding towing, recovery, and storage charges.

(ii) A storage facility may refuse to accept a personal check as payment if it is unable to process a credit card for the payment because use of the credit card has been declined by the credit card company.

(3) A storage facility that is in possession of a towed vehicle shall make the vehicle available to the owner, the owner's agent, the insurer of record, or a secured party, under the supervision of the storage facility, for:

(i) Inspection; or

(ii) Retrieval from the vehicle of personal property that is not attached to the vehicle.

HISTORY: 1989, ch. 462; 2012, ch. 228.

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Md. TRANSPORTATION Code Ann. § 21-10A-06 (2012)

§ 21-10A-06. Violation of subtitle

Any person who undertakes the towing or removal of a vehicle from a parking lot in violation of any provision of this subtitle:

- (1) Shall be liable for actual damages sustained by any person as a direct result of the violation; and
- (2) Shall be liable to the vehicle owner, a secured party, an insurer, or a successor in interest for triple the amount paid by the owner or the owner's agent to retake possession of the vehicle.

HISTORY: 1989, ch. 462; 2012, ch. 228.

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